

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALLEN BENNETT,

Case No. 5:22-cv-02262

Plaintiff,

-vs-

JUDGE DAVID A. RUIZ

EXEL, INC., *d/b/a/* DHL SUPPLY CHAIN,
et al.,

ORDER OF STAY

Defendants.

On June 5, 2023, Plaintiff filed an “Unopposed Motion to Stay Case Pending Arbitration,” indicating that “[a]ll of Plaintiff’s claims against Defendants are subject to mandatory and binding arbitration with the American Arbitration Association pursuant to the Arbitration Agreement signed by [Plaintiff] on November 18, 2019, and attached to Defendants’ Answer to the Complaint.” (R. 14).

The next day, Defendants filed a response indicating that they “do not oppose referring this matter to arbitration but contend that the matter should be dismissed, rather than stayed, pending arbitration.” (R. 15). Plaintiff filed a reply brief, asserting that a stay, rather than a dismissal, is the proper course of action. (R. 16).

Pursuant to Section 3 of the Federal Arbitration Act:

If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, ***shall on application of one of the parties stay the trial of the action*** until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

9 U.S.C. § 3 (emphasis added). Recently, the Sixth Circuit Court of Appeals has addressed this issue where the appellee, Ford Motor Company, requested a stay from the district court while arbitration was pending, but the district court dismissed the action on its own initiative. *Arabian Motors Grp. W.L.L. v. Ford Motor Co.*, 19 F.4th 938, 941 (6th Cir. 2021). The Court of Appeals concluded that the district court “should have granted Ford’s request for a stay” and found that “[t]he Act’s command that a district court ‘shall on application of one of the parties stay the trial of the action’ conveys a mandatory obligation.... [and that] [o]ther provisions of the Act reinforce this interpretation.” *Id.*; accord *Pugh v. Lady Jane’s Haircuts for Men Holding Co., LLC*, No. 3:22-CV-00556, 2023 WL 2416366, at *11 (M.D. Tenn. Mar. 8, 2023).

Based on the above authority, Plaintiff’s motion (R. 14) is GRANTED, and this matter is STAYED pending the outcome of arbitration. In addition, the parties shall file a joint status report by January 5, 2024, or within thirty days of resolution of the matter.

IT IS SO ORDERED.

Date: July 5, 2023

s/ David A. Ruiz
DAVID A. RUIZ
UNITED STATES DISTRICT JUDGE